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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,669	09/15/2003	Masuyuki Sago	0022-3479	1862
28752	7590	11/04/2005	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			WONG, TINA MEI SENG	
		ART UNIT	PAPER NUMBER	2874

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,669	SAGO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tina M. Wong	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 September 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 15 January 2002. It is noted, however, that applicant has not filed a certified copy of the JAPAN 005642/2002 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

Claims 8-11 recites the limitation "said integrated circuit". There is insufficient antecedent basis for this limitation in the claim. The term integrated circuit does not appear in the claims until claim 5, which none of claims 8-11 depend on.

On Line 1 of Claim 11, the number 4 appears in parenthesis, (4). This appears to be a typographical error. It appears claim 11 should depend on claim 4, which should not be in parenthesis. If claim 11 should depend from claim 1, then claim 11 is a duplicate claim. Claim 8 would read word for word as claim 11 does.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,821,510 to Cohen et al.

In regards to claims 1-3 and 6-7, Cohen et al discloses an optical connector plug (7) and an adapter coupled together with a memory function (13) capable of writing and reading information. Cohen et al further discloses the memory function to be mounted to the housing. (Figure 2, Column 8)

Cohen et al fails to specifically disclose the memory function to read and write control information. However, Cohen et al does disclose the memory function connected to a computer source. The computer provides the necessary control information to the memory function. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the memory function to be able to read and write control information, since it would be desirable for the memory function to be able to relay the control information to the other components in the system.

In regards to claims 5 and 8-11, Cohen et al discloses all discussed above but fails to disclose an antenna mounted to the adapter and the memory function to include an integrated circuit formed into an electromagnetic induction system. However, Cohen et al does disclose an antenna on the receiver interface to transmit data. Furthermore, Cohen et al discloses a computer as part of the memory function. In a computer, many integrated circuits with electromagnetic components are used, and therefore, may cause an electromagnetic induction system. Therefore, although Cohen et al does not specifically state an antenna mounted to the adapter and the memory function to include an integrated circuit formed into an electromagnetic induction system, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have an antenna mounted to the adapter and the memory function to

include an integrated circuit formed into an electromagnetic induction system in order to read and write information from the memory function to the desired location.

***Response to Arguments***

Applicant's arguments filed 06 September 2005 have been fully considered but they are not persuasive.

Applicant argues the optically encoded data (13) is not capable of reading-out and writing-in the necessary control information. However, the Examiner disagrees. The optically encoded data is printed onto the surface. The information printed (writing) on the surface would be read by a scanner, where then the scanner processes the information to provide a sequence of data. Therefore, the optically encoded data is capable of printing/writing in necessary control information and reading-out necessary control information to the scanner. Furthermore, the recitation that an element is "capable of" performing a function is not a positive limitation, but only requires the ability to perform. It does not constitute a limitation in any patentable sense.

*In re Hutchison, 69 USPQ 138*

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

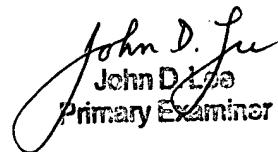
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Wong whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TMW

  
John D. Lee  
Primary Examiner